

Appl. No. 10/789,693

Reply to Office action of December 15, 2005

REMARKS

This is a full and timely response to the non-final Office action mailed December 15, 2005. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 1-5, 7-8, 10-22, and 24-30 are pending in this application, with Claims 1, 17, 19, 20, and 28 being the independent claims. Claims 1, 10-12, 20, and 28 have been amended, and Claims 6, 9, 23, 31, and 32 have been canceled herein. No new matter is believed to have been added.

Initially, Applicant would likely to thank Examiner Cherry for indicating that at least Claims 13-19 and 31 are directed to allowable subject matter.

Rejections Under 35 U.S.C. § 102

Claims 1-5, 7, 8, and 28-30 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,505,509 (Gualtieri), and Claims 20-25 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 5,376,888 (Hook). These rejections are respectfully traversed.

Independent Claim 1 now recites features from as-filed dependent Claims 6 and 9, and independent Claim 28 now recites features from as-filed dependent Claim 31. The Office action readily admits that the features of Claims 6 and 9 are not disclosed in Gualtieri, and that dependent Claim 31 was directed to allowable subject matter. As such, independent Claims 1 and 28, at least as amended herein, are no longer anticipated by Gualtieri.

As regards independent Claim 20, this claim has been amended herein to now recite features from as-filed dependent Claim 23. In the Office action it is alleged that FIGS. 10 and 30 of Hook disclose this combination of features. Applicant submits, however, that nowhere does Hook disclose or even remotely suggest the combination of features now recited in independent Claim 20, nor its inclusion into the device recited in independent Claim 1, at least as this latter claim is amended herein.

In particular, Applicant submits that Hook fails to disclose or even remotely suggest a dielectric that is configured to receive a drive force. Hook further fails to disclose or suggest that the movable dielectric includes first and second movable dielectrics disposed between first

Appl. No. 10/789,693

Reply to Office action of December 15, 2005

and second conductive substrates, respectively, and a fixed dielectric substrate. The Office action alleges that elements 162 in FIG. 30 of Hook correspond to first and second movable dielectrics. However, upon reading of Hook, it is clear that these elements, while not even being disclosed or suggested as being movable, are not dielectric substrates whatsoever. Rather, Hook discloses that this element is planting mix.

In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejections.

#### Rejections Under 35 U.S.C. § 103

Claims 6, and 9-11 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Gualtieri and Hook. Claim 12 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Gualtieri, Hook, and U.S. Patent No. 5,497,098 (Heil et al.), Claim 26 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hook and Heil et al., and Claim 27 was rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Hook and a publication by Sears, entitled "University Physics." These rejections are respectfully traversed.

As noted above, independent Claim now recites features from as-filed dependent Claims 6 and 9, and independent Claim 20 now recites features from as-filed dependent Claim 23. As was also noted above, Applicant submits that these features are neither disclosed nor suggested by Gualtieri or Hook, either solely or in combination. Moreover, Applicant further submits that neither Heil et al. nor Sears make up for these deficiencies.

In view of the foregoing, Applicant requests reconsideration and withdrawal of each of the § 103 rejections noted above.

#### Conclusion

Based on the above, independent Claims 1, 17, 19, 20, and 28 are patentable over the citations of record. The dependent claims are also deemed patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

Appl. No. 10/789,693

Reply to Office action of December 15, 2005

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: February 27, 2006

By: 

Paul D. Amrozowicz  
Reg. No. 45,264  
(480) 385-5060